

REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action, applicants hereby provisionally elect Group I, with traverse.

As to the election of species requirement, applicants elect the compound XFG as shown in claim 23, with traverse.

The grounds for traverse are that the Official Action fails to show the lack of a special technical feature.

Pursuant to MPEP 1893.03 (d), when making a lack of unity of invention determination, the Patent Office must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

In doing so, the principles of unity of invention are used to determine the type of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in the application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application those inventions which are so linked as to form a single general inventive concept.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.1 states that "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention")". PCT Rule 13.2 provides, "Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Thus, PCT Rule 13.2 is art-based.

Applicants understand that the outstanding Official Action cited to the McDougall et al. publication in support of the lack of unity determination. However, applicants note that claims 16-24 are drawn to specific compounds comprising one or two X chains, one or F chains and at least one G chain linked to each other in a random order. This concept is not disclosed in McDougall et al. Claims 25-31 are drawn to a process for stimulating several enzymes in plants, wherein the process

involves one or several compounds as claimed in claims 16-24. Accordingly, viewing the claimed invention as a whole, applicants respectfully submit that the technical relationship among the claimed invention does exist.

Thus, in view of the above, applicants respectfully request a search and examination of all the claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Philip DuBois, Reg. No. 50,696
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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